

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

**UNITED STATES OF AMERICA,**  
Plaintiff,

v.

**FERNANDO GUERRERO,**  
**TN: FERNANDO GUERRERO III**  
Defendant.

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**NO. EP-13-CR-2463-KC**

**MOTION TO MODIFY THE CONDITIONS OF PROBATION**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas, and files this motion and moves the Court to Modify the Conditions of Probation of FERNANDO GUERRERO, True Name: FERNANDO GUERRERO III (GUERRERO), in the above entitled and numbered cause.

In support of this motion, the Government refers this Honorable Court to the reasons stated in the “Request for Summons and Modification of the Conditions or Terms of Supervision,” filed on June 5, 2014, by a United States Probation Officer, in the above entitled and numbered. On or about June 19, 2014, this Court held a hearing concerning the modification of the conditions of the probation of GUERRERO, and GUERRERO was present and represented by counsel. Further, the hearing was conducted in accordance with Federal Rules of Criminal Procedure, Rule 32.1(c). The Government moves the Court to modify the conditions of GUERRERO’s probation to include the following terms:

The Defendant shall reside at Dismas Charities, Inc., 7011 Alameda, El Paso, Texas, for up to 120 days and shall report to said facility as directed by the probation officer. In addition to abiding by all the rules of Dismas Charities, Inc., the Defendant shall not terminate his stay at Dismas Charities, Inc., nor separate from the facility unless authorized by the probation officer or the director of Dismas Charities, Inc. The Defendant shall report in person to the probation

officer within 72 hours of completing his stay or having been terminated from further residence at Dismas Charities, Inc. The subsistence cost will be waived.

Based on the foregoing, the Government respectfully moves the Court to modify the conditions of GUERRERO's probation.

Respectfully submitted,

ROBERT PITMAN  
UNITED STATES ATTORNEY

BY: /s/  
STEPHEN G. GARCÍA  
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(915) 534-6884

# CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Shane McMahon, Attorney for Fernando Guerrero.  
Sandra S. Lewis

/s/  
STEPHEN G. GARCÍA  
Assistant United States Attorney

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**NO. EP-13-CR-2463-KC**

**ORDER MODIFYING THE CONDITIONS OF PROBATION**

On this day, the Court considered the United States Probation Office's Request for Summons and Modification of the Conditions or Terms of Supervision, and the Government's Motion to Modify the Conditions of Probation of FERNANDO GUERRERO, True Name: FERNANDO GUERRERO III (GUERRERO), filed in the above entitled and numbered, and after considering the same, the Court is of the opinion that such request and motion are meritorious and should be GRANTED.

IT IS ORDERED that the Request for Summons and Modification of the Conditions or Terms of Supervision, and the Motion to Modify the Conditions of Probation of GUERRERO, filed in the above entitled and numbered cause, are hereby GRANTED.

IT IS ORDERED that GUERRERO's conditions of Probation be modified to include the following terms:

The Defendant shall reside at Dismas Charities, Inc., 7011 Alameda, El Paso, Texas, for up to 120 days and shall report to said facility as directed by the probation officer. In addition to abiding by all the rules of Dismas Charities, Inc., the Defendant shall not terminate his stay at Dismas Charities, Inc., nor separate from the facility unless authorized by the probation officer or the director of Dismas Charities, Inc. The Defendant shall report in person to the probation officer within 72 hours of completing his stay or having been terminated from further residence at Dismas Charities, Inc. The subsistence cost will be waived.

SIGNED and ENTERED this \_\_\_\_\_ day of July, 2014.

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KATHLEEN CARDONE  
UNITED STATES DISTRICT JUDGE